

STANDARDIZED FOOD FACILITY INSPECTION FORMAT FOR FOOD FACILITY INSPECTIONS

Established pursuant to
Health and Safety Code sections 113946 and 113947

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Introduction

Public interest in the results of environmental health evaluations of food facilities is increasing. Senator Byron Sher introduced legislation in 1998 and 1999 that would have required the Department of Health Services (DHS) or local environmental health agencies to post health violations found at restaurants to the Internet. Both of these measures were vetoed by different governors as unnecessary.

The California Restaurant Association (CRA) is a trade association representing thousands of independent and chain restaurants operating in California. They impressed upon Senator Sher that diverse methods of conducting inspections and evaluating food facilities employed by local environmental health agencies would confuse the public and unfairly portray some food facilities when compared side by side with others in other jurisdictions. They pointed out that some jurisdictions require posting of letter grades (using different scales), others use numeric scores, and still others use a "poor - excellent" sliding scale, while others do not compile an overall inspection score.

Therefore, in 2000 the CRA sponsored SB 180 authored by Senator Sher which was passed by the legislature, signed by the governor, and chaptered into law on September 27, 2000. The bill contains several provisions, including the following:

- Mandates that the DHS establish, by January 1, 2002, a "standardized" food facility inspection format that each local health agency must use;¹
- Mandates that DHS and local health agencies conduct training of environmental health specialists in the implementation of the new inspection format;
- Mandates that food facilities must retain a copy of their most recent environmental health inspection report at the food facility;
- Mandates that food facilities must post a notice to advise patrons that the most recent environmental health inspection report is available for review;
- Mandates that DHS establish and publish, by January 1, 2002, specific standardized procedures for publishing on the internet certain information and major violations identified in a food facility inspection by local health agencies;
- Mandates that local health agencies that choose to publish food facility inspection information on the internet use the standardized procedure established by DHS beginning July 1, 2002²;

The Legislature hereby finds and declares all of the following:

- (a) Food facility inspection information is currently developed by each local health agency. The form, scope, and content of food facility inspection information varies from agency to agency. These various methods of reporting food facility inspection information can be confusing to food facility owners, public agencies, and the public.
- (b) In the event that food facility inspection information is made available in a standardized format, it will be easier for local health agencies to compare and evaluate inspection information, and the State Department of Health Services will be better able to evaluate local health agency inspection programs.
- (c) The purposes of the California Uniform Retail Food Facilities Act will be advanced through standardized retail food facility inspection training, increased department oversight of local inspection programs, continuing review of the act and the federal model, and adequate funding of the department's oversight activities.
- (d) Standardization of food facility inspection formats and reporting procedures should further reduce any existing confusion between jurisdictions, and contribute to increased compliance by food facility operators and thereby decrease the risk of food-borne illnesses.

Food establishment inspections have been a part of food safety regulatory activities since the early days of public health. In the past, these inspections focused primarily on sanitation. However, there has been a shift in the focus of inspections over the years with the growing occurrence and/or awareness of factors that contribute to foodborne illness. It is a shared responsibility of the food industry and the regulatory community to ensure that food provided to the consumer is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. Regulatory officials and industry professionals have come to realize that good sanitation alone can not prevent the occurrence of foodborne illness. Generally, both have accepted that there are key factors

¹ The format may be modified by a local agency to add additional criteria to the specified criteria as long as they are violations of the California Uniform Retail Food Facilities Law (CURFFL) and referenced as to Section.

² A local agency may post additional information other than that regulated under CURFFL.

that must be controlled in an establishment to protect the public. The term “risk factors” has been coined to describe five (5) key practices or procedures, which have been identified by the Centers for Disease Control and Prevention (CDC), through epidemiological data, as the most prevalent contributing causes of foodborne illness or injury. They are improper holding temperatures; inadequate cooking; poor personal hygiene; contaminated equipment; and food from unsafe sources. These constitute the criteria that form the basis of the inspection report.

The objective of the food establishment inspection is to ensure the procurement, production, holding and storage, and serving of safe food products. The tool to determine that the objective of ensuring safe food is met and that corrective actions are utilized to correct deficiencies is the inspection form. The overlying goal of the inspection is to reduce the occurrence of foodborne illness.

Inspections aid the industry by:

- Serving as educational sessions on specific Code requirements as they apply to an establishment and its operation;
- Conveying new food safety information to establishment management and providing the opportunity for management to ask questions about general food safety matters; and
- Providing written reports to the permit holder or Person-in-Charge so that the responsible person can bring the establishment into conformance with the Code.

Inspections assist the regulatory agency by:

- Providing data concerning the active managerial control of risk factors;
- Providing the basis for regulatory actions;
- Evaluating the effectiveness of regulatory requirements in preventing food borne illness;
- Providing a measure of the effectiveness of the agency’s efforts to support industry’s implementation of regulations; and
- Identifying trends to help control these risk factors, interventions and good retail practices (GRPs).

The inspection form is an educational tool, but also a legal notice to the establishment operator and it is important that certain information regarding the name, location, owner, permit number, and the person-in-charge (PIC) at the time of the inspection be included on the form. Equally as significant is the regulatory authority’s information concerning the State regulation that governs food establishment inspections, their address, phone number and the individual inspector conducting the inspection. The date and time are essential elements that establish when the inspection occurred. This is crucial if legal action must be taken, but more importantly it allows industry and the regulatory program manager to see if an inspector is only inspecting at a certain time of day, such as always during lunch. Without variable times of inspection, an inspector could miss key operations that take place in the facility such as receiving, cooling and cooking.

There are many facets that make each food establishment unique and can have a direct bearing on the opportunity for the occurrence of foodborne illness. These include the establishment's operational procedures, management, personnel, menu, food processes conducted, size, population served, and compliance history. Prioritizing facility inspections based on risk allows regulatory programs to best utilize their limited resources by concentrating on those establishments that pose the greatest likelihood for the occurrence of foodborne illness. Greater attention should be given to those facilities which have the highest probability of causing illness and which have shown a poor history of compliance.

The design of the inspection form has a three-fold purpose:

1. It is essential that the food establishment inspection form present information in a manner that will allow regulators to 1) assess and document an operator's role in the control of risk factors and interventions, 2) document corrective action of out-of-control risk factors and interventions, and 3) report data in a manner that allows the tracking of the occurrence of risk factors and interventions over time. Also, to adequately evaluate the effectiveness of food protection programs, information must be captured in a way that will facilitate these evaluations. Ranking of establishments by risk, identification of processes utilized by an establishment, and targeted reviews of menu items by process type are several ways to capture information in ways that facilitate program evaluation. The inspection form should also document the overall status of sanitation in the facility. Consumers generally expect that their foods will be free of filth, prepared in a clean environment and honestly presented;
2. The inspection form must clearly express to industry out-of-control risk factors and violations that could lead to a consumer illness or injury. The form must not only document noncompliance but must also show the operator the areas that he was compliant in or that were not observed during the inspection; and
3. The design of the inspection form must be formatted in a manner that informs consumers of the compliance status of the food establishment they choose to patronize.

Standardized Food Facility Inspection Format

The following information shall be included as a part of the inspection form utilized by each local health agency. The layout and design of such form may vary but all the elements shall be present.

Facility Name *

License/Permit Number

Physical Address *

City Zip *

Telephone

Owner/Permitee

Type of facility (identification by CURFFL categories e.g. Food establishment, mobile food facility, MFPU, TFF, Produce stand, etc.)

Purpose (why was the inspection being conducted, e.g. routine, follow-up, pre-opening, Complaint, HACCP, Illness/Incident, non-official/practice, other)

Date *

Inspection Time in

Inspection Time out

Violations

Identification of major violations observed*
(Include code references)

Identification of minor violations observed
(Include code references)

Specific description of violations observed

Reinspection date*

Name of Inspector (printed)

Inspector's office phone

Name and title of person in charge of establishment

* Required by Health and Safety Code 113946 or 113947

The description of each one of the elements is described in the procedures and in the data dictionary that is included in the appendices. There is some flexibility even in the elements for example there is no set way of stating the purpose of the inspection. Some jurisdictions use a numeric code to designate the type of inspection e.g. routine, reinspection, complaint follow-up, etc. The score/status box is another example where flexibility is possible. The other elements are straightforward and should yield similar results in all jurisdictions.

Major and Minor Violation Identification

Major and minor violations are defined in the code. Major violations pose an imminent public health danger and require immediate correction and/or closure of a facility. Major violations were developed for the five criteria in the law and several other situations that have traditionally been looked upon as rationale for closing a facility. The five criteria mentioned in the law are listed in the FDA Food Code. According to the Centers for Disease Control and Prevention they are the most significant risk factors contributing to foodborne illness outbreaks. As such they are clearly of an imminent public health nature.

(A) Improper holding temperatures. Major violations would be potentially hazardous food held at temperatures of 50°F to 130°F without any other intervention. Similar foods held at temperatures of 42°F to 49°F or 131°F and 139°F would still be in violation and should be corrected but would be considered minor violations. As with all temperature situations time is also a factor. The inspector can still exercise judgement in the case where food is left out for excessive periods, e.g. over four hours, in the minor violation range. If the food is being prepared or handled pursuant to a HACCP plan these ranges may be modified as well. An example is rare roast beef when cooked appropriately and held at 130°F with appropriate checks on temperature (cooking and holding) and time, may not be considered a violation at all.

(B) Inadequate cooking. Any variation below the minimum standards set forth in CURFFL for cooking is considered a major violation.

(C) Poor personal hygiene of food handlers. Major violations include working while sick with Salmonella Typhi, Shigella, E coli 0157H7 or Hepatitis A virus. It would also include not washing hands, expectorating around food, working with food with open cuts, sores or rashes.

(D) Contaminated equipment. Major violations are obvious cross contamination between raw and ready to eat food, no sanitizer for multiuse utensils and improper warewasher machine temperature.

(E) Food from unsafe sources. Any food from an unsafe source is a major violation.

Among the other major violations agreed upon are heavy vermin infestation, exposed raw sewage in the food facility, no water/no hot water available to the facility, and no operable toilet facilities.

It was not the intent for DHS to specify all known major violations and set their parameters, as the variables are endless. The foregoing guidance was developed by the group and enjoys acceptance.

Notification

SB 180 adds Section 113946 (c) to CURFFL. This section specifies that a food facility must maintain a copy of the *most recent* inspection report at the food facility. Furthermore, the facility must post a notice advising patrons of the availability of the report. Both of these requirements become effective on January 1, 2001, despite the fact that Section 113946 (a) does not mandate implementation of the standardized inspection format until January 1, 2002.

The written notice should be standardized for use statewide. However, Section 113946(c) does not mandate specific wording, minimum type size, color, size or location of the notice. Facilities that do not use the attached example, or another notice approved by the local agency, must be evaluated on a case by case basis for compliance with Section 113946(c). The notice must be in the English language, but may also appear in other languages as desired by the food facility.

Section 113946(c) specifies that the purpose of the notice is to "advise patrons." Therefore, local agencies may require that the notice be posted in a location likely to be seen by patrons. The notice should be of a size and format that is reasonably conspicuous. The color of the lettering should be contrasting to the background (e.g. black letters on white paper.) The type font and size should be readable from several feet away by a person with normal vision. The notice should not be obscured by other signage or permits. DHS does not believe that Section 113946 (c) should be interpreted to require a notice at each table in a restaurant or on the menu. Where multiple food facilities under separate ownership operate in a common area (e.g. a "food court") each permitted facility must post a separate notice. In the case of a large supermarket or other large facility with multiple operations under single ownership, a single notice is required.

The DHS recommends the following notice as an example of signage that complies with the posting requirements of Section 113946(c) when placed in a location likely to be read by patrons.

NOTICE
**THIS FACILITY IS
INSPECTED BY THE
LOCAL ENVIRONMENTAL
HEALTH AGENCY.
A COPY OF THE MOST
RECENT
ENVIRONMENTAL
HEALTH INSPECTION
REPORT IS AVAILABLE
HERE FOR REVIEW UPON
REQUEST.**

SB 180 does not provide for any exemption in the event that a local ordinance requires the posting of grades or other notification of inspections. The posting of the notice required by Section 113946 (c) is in addition to any posting of grades required by local ordinances.

Please note that this requirement applies to all food facilities, and is not specific to restaurants only.

Standardized Procedures for Reporting

The law does not specifically designate to whom the information on the standardized food facility inspection format is to be reported to or in what form. There is discussion of the establishment of an electronic form for reporting and this will be discussed below. The clear intent of the law is to have public disclosure on the findings of the local health authorities during routine and other inspections of retail food facilities. The notification provisions discussed above are the direct and immediate method for this reporting. With the utilization of the standardized food facility inspection format, inspection forms from the different jurisdictions throughout the state should have the same general elements and report in the same general manner on the violations of the California Health and Safety Code encountered during the inspections of retail food facilities. These inspection forms become the basis for reporting. The second way this report is made available is through the "freedom of information" provisions of the California Public Records Act (Government Code, section 6250-6260). All of the reports written as part of a retail food facility inspection are public records and are releasable according to the law once an active investigation is completed and as long as no proprietary information is contained in the reports. The elements of the standardized food facility inspection format do not contain any information that would routinely be subjected to redaction under the Public Records Act. Lastly, this same information may be entered or collected in the field into a standard database that can be shared with other local jurisdictions, state or federal agencies in an effort to further improve the nation's food safety network. This same electronic database can serve as the basis for Internet reporting of inspectional findings. This is discussed further in the next section. Because the information on the hard copy report is releasable, the same information in a data base format would also be releasable.

As one of our tasks, we discussed a data dictionary which was developed by one of the task force members who develops software for inspections and has several jurisdictions currently reporting on the world wide web. In the data dictionary is a description of each element of the standardized food facility inspection format. This in essence serves as the glossary for the elements of the standardized food facility inspection format. The data dictionary also includes the information for an information technologist to establish a basic database including the field type and size. There was also discussion and a decision to utilize XML as the file format because of its appropriateness for web-based data management as well as its ability to handle repeating sections. This ability to handle repeating sections enables jurisdictions an unlimited number of violations. Without this feature there would have to be a predetermined number of violations and any other violation outside of those predetermined would not be allowed by the database. This database provides the technical protocol for the reporting of the information on the hard copy report. Several agencies are currently entering the information in the field and producing a report from that database.

In summary, the standard procedure for reporting is the information on the inspection form in either hard copy available at the food facility or at the local jurisdiction through the California Public Records Act or in an electronic form available for retrieval or transmission to other agencies or posting to the internet.

Internet Web Sites

The law also has two requirements for the posting of the information on Internet web sites. The first requirements is commencing July 1, 2002, each local health agency that reports food facility inspection information on an internet web site shall report the information in accordance with the standardized procedures established pursuant to section 113947. The second requirement is for the Department of Health Services to establish a link to each Internet web site utilized by any local health agency containing the food facility inspection information pursuant to 113947 (e). While this latter section is stated as a voluntary (the department may), the department has every intention to have a link functioning by July 1, 2002 and hopefully continue to expand it as other jurisdictions get their web sites up and running. Several sites were discussed and demonstrated during the discussions of the task force.

Several sites have simple closure information indicating that a facility was closed on a particular date, why it was closed – the major violation – and if it had reopened, when. The facility is identified by name and address. All the information required by the law is presented. Other sites go beyond the closure information and provide both major and minor violations identified during an inspection. Some jurisdictions have both choices. The information set forth in the data dictionary would easily support either type of site. The full inspection results is more of an open reporting method and clearly meets the letter and spirit of the law. The closure method only reports on those facilities that are closed and not each food facility as specified in the law.

The requirement for posting is only for those jurisdictions that report food facility inspection information on an Internet site. If the jurisdiction does not have such a internet web site or chooses not to post such food facility inspection information, they are not required by law, but the intent of the legislation is clearly toward a uniform standardized approach statewide.

The procedures developed here for reporting and Internet web site posting can be revised and are required to be reviewed periodically. As this in the initial report, it is important for all of us to learn together and share in our experiences to improve on the procedures developed to date.

Appendix

Acknowledgement

This report and the Standardized Food Facility Inspection Format and Procedures would not have been accomplished without the assistance and support of many individuals and organizations. This is an attempt to recognize many of those who have participated in the creation of this material. Below is a list of 101 persons who participated in the process. They took time out of their busy schedules for four teleconferences and one face to face meeting as well as untold hours discussing the issues with colleagues, reading the drafts and making suggestions via email and phone calls.

Acknowledgement also has to be given to the government agencies, local, state and federal, and industry associations and individual corporations who supported the process through the giving of time and resources including allowing their representatives to participate in the Task Force and create the format and procedures. These agencies, associations and corporations are listed next to their representatives.

Participants

Rudy Aguilar, Placer County
Art Aguirre, Los Angeles County
Debbie Anderson, El Dorado
Laura Barnthouse, Plumas County
Curt Batson, San Luis Obispo County
Kevin Beahm, Kern County
Angeline Benjamin, Tricon Restaurants
Mike Boian, Butte County
Darryl Booth, Decade Software
Steve Boyak, Tuolumne County
Jim Bowyer, Clark Pest Control
Kathy Boyer, Fresno County
Ron Browder, Alameda County
Richard Brown, Placer County
Steve Carnes, San Luis Obispo County
Joan Catalano, Albertsons
Vicky Church, San Diego County
Ron Clark, San Bernardino
Brian Cox, Humboldt County
Turonda Crumpler, Western Exterminator

Tony Donovan, Sutter County
Cindy Elarmo, Burger King
Peter Esko, EHS Net
Christine Federico, Gelson's
Dave Fennel, San Diego County
DeAnna Fister, Contra Costa County
Carol Fitzgerald, Dept of Health Services
Luis Flores, Kings County
Bill Ford, Orange County
Todd Frantz, Disneyland
Liza Frias, Los Angeles County
Richard Fuchs, Santa Clara County
Sherry Fuzesy, Marin County
Marcella Gelman, Vons
Leslie Gentry, Solano County
Patricia Gentry, Orange County
Diane Gereke, Placer County
Stephen Hamby, Yuba, County
Lance Hastings, California Grocers Association
Rick Heinrichs, Fresno County
Karen Hoffman, El Dorado County
Bill Howard, El Dorado County
Elizabeth Huff, Ventura County
Dorothy Janse, San Diego County
Adam Johnson, Albertson's
Stephanie Kahl, Fresno County
Diana Kato, Contra Costa County
Debbie Katz, Sacramento County
Sally Keldgore, Kern County
Nelson Kerr, City of Long Beach
Mike Kissel, CKR
Michael Kith, San Joaquin County
Winnie Kovac, Trader Joes
Peggy Langle, Santa Barbara County
Debbie Leuer, San Bernardino
Jan Libby, Kern County
Jeff Lineberry, CA DHS
Raju Mathew, Alameda County
Kit McClurg, Stanislaus County
Susan Meere, Sonoma County
Jerry Meshulam, Sonoma County
Bruce Morden, CA Dept of Health Services
Vivian Nelson, Santa Barbara County
Nancy Nessel, Tricon
Ann Fry Peters, Sacramento
Lawrence Pong, Dept of Public Health, San Francisco

Terrance Powell, Los Angeles County
Mike Prosio, California Restaurant Association
Liz Quaranta, San Diego County
Richard Ramirez, Food and Drug Administration
Darlene Reuss, San Mateo County
Greg Reyes, Long Beach
Richard Sanchez, Sacramento (San Bernardino)
Virginia Schaeffer Lineberry, Placer County
Tess Schermer, Placer County
Cindy Schneider, CA Dept. of Education
Robert Shingai, San Benito County
Terri Smith, San Bernardino
Mike Spears, Los Angeles County
Ed Spencer, Contra Costa County
Harminder Sran, Berkeley County
Janet Stearns, Mendocino County
Allen Stroh, Orange County
Susan Strong, CA DHS
Jean Marie Strey, Riverside County
Ken Stuart, Contra Costa County
Akiko Tagawa, Los Angeles County
Jo-Linda Thompson, Advantica
Jennifer Tointon, California Grocer's Association
Peggy Tolley, CA Dept. of Education
Ron Torres, Alameda County
Ray Toshitsune, Santa Cruz County
Steve Van Stockum, Riverside County
Rolando Villareal, City of Berkeley
Tracy Walters, San Bernardino
Ron Wennerberg, CKE Restaurants
Lisa Whitlock, Food and Drug Administration
Lynn Wilder, Riverside County
Keith Winkler, Kings County
Barry Wittenberg, Corn Roasters, Western Fairs Association
Lisa Wright, Jack In The Box

Notes

Minutes Teleconference Call, February 28, 2001, 9:00 – 10:45 AM

Bruce started the meeting about 9:05 with a quick review of who was on the call. The agenda, which had been sent out beforehand, was reviewed. One addition was made with regard to discussion of how the current Standardization Classes relate to the statewide inspection format.

Bruce spoke briefly about the language of SB180. He stressed the intent of DHS is to provide a format, not a form. This will allow jurisdictions to customize for their needs

but still meet the required elements set forth in the law. There was some discussion of the notification requirement and Internet posting. Bruce suggested that a “chat list” be established to enable ongoing discussion and development of the format. There appeared to be agreement. Bruce agreed to set up the list and notify participants.

A proposed timeline for the establishment of the statewide format had been sent out December 14, 2000. Bruce stated that it was ambitious but set a goal that provided plenty of time to complete the task before the mandated January 1, 2002 deadline. Bruce also spoke briefly of the national efforts being conducted as a part of the Conference for Food Protection to establish a national form. When established this form would become a part of the Model Food Code.

There was discussion about methods of field reporting. Several jurisdictions are currently working toward use of hand held and laptop computers. Decade Software was mentioned as one provider. Envision is also being adopted for the field inspectors.

A brief discussion regarding possible other participants in the process was conducted. Cindy Schneider mentioned Marty Marghal with the California School Food Service Association. Nelson Kerr knew of a safe food group in the Los Angeles area. He would get the information and forward to Bruce. Safe Tables Our Priority (STOP was also mentioned). Bruce will try to contact these groups to add them to the process.

A discussion followed regarding examples of current approaches and a general “brain storming” session. [I attempted to take notes as we went along. They are somewhat sketchy and I would entertain any help to expand them to give a more complete picture of the discussion.] There was discussion of some of the existing forms. Marcella discussed the Los Angeles form. Mike Kissel also indicated the LA form works fairly well. Lisa Whitlock suggested the form currently being used by the Bay Area Alliance. Bruce agreed to make it available to the group. Jerry M. discussed the old Sweeps-style form and the need to eliminate the subjective rating in the lower left. There was some discussion regarding past exposés of health departments being subjective. Debbie K. brought up the “major” and “minor” requirements. Allen S. chimed in and discussed Orange County’s form – which the modeled after Los Angeles’ – has the major and minor violations built in to the categories. Mike K. pointed out one problem of the LA-Orange County form was the multiple sheets. He was concerned that some of their facilities would misplace a sheet. Nelson K. expressed the need to clearly define the major and minor violations. Liza F. suggested they somehow be included in the modified Cal Code. Allen S. further discussed the LA-Orange County form in terms of the Category I, II, III, etc. The major violations are those which would precipitate an immediate closure because of a major public health concern or one of the “outrage issues” such as vermin infestation. Bruce pointed out that there were variations of temperature in some of the forms being used by different jurisdictions. Allen stated that the range should include the highest log growth rate and mentioned 60° to 120°F. Carol Fitzgerald suggested a clear science basis should be used in establishing the major and minor. Mike Boian also pointed out there are time considerations in temperature abuse

situations. Jerry Meshulam also added that the quantity of food also enters into the major/minor determination.

Angeline Benjamin raised the Arizona form, which had been sent out earlier. Allen S. discussed the length of forms. Trying to satisfy everyone, not being subjective, creates more of a manual than a form and size clearly becomes a factor. Lisa Whitlock suggested the check boxes as used on the FDA Retail Standardization forms – In (in compliance), Out (out of compliance), NA (not applicable), and NO (not observed). Liza Frias indicated the difficulty of condensing all of the provisions of the California Uniform Retail Food Facilities Law (CURFFL) into one form. Focusing on the CDC identified factors for foodborne illness is what the law requires. This makes the form more specific. The major and minor definitions would form the foundation for the inspector's decision.

Jeff Lineberry reminded us that the report is for the facility operator. We should not make it so the major and minor become legalese. The consumer needs to be able to interpret what is on the report. Also the Internet reporting needs to be simple. There also may need to be a way to report "no violations". Jeff suggested a separate technical report. Bruce discussed the approach several counties have taken in posting a summary report. Mike Prosio did not believe that the summary was inconsistent with the bill. Art Aguirre expressed concern that not having the full report available would be interpreted as hiding the findings. It also creates additional paperwork for the inspector. The actual report needs to be available to the general public. Mike K. agreed with Art. Allen S. also agreed. Nelson K. reported that Long Beach uses both a regular report and a summary report, which is posted. The full report is left with the operator and would be available. The criticism of the summary report is that it does not include major and minor. Elizabeth Huff explained that Ventura County went with a summary report to satisfy their Board of Supervisors in lieu of a grading ordinance. As a small county, which borders Los Angeles, they felt some pressure. The feedback from industry was there was no great outcry for grading but they did want the inspectors findings in a simple, easy to understand format to include the summary of major violations with an emphasis on the highest risk categories. The summary is not intended to replace the full report but to allow the customer to make an informed decision in their choice of food facility. Allen S. shared that Orange County also felt the grading pressure being adjacent to Los Angeles. Their Board of Supervisors has gone to a seal, which indicates the facility has passed an inspection. They did not go to a summary because they did not want to have the county be the interpreter of the information on the full report. Elizabeth H. restated that the major violations are in certain categories. Allen S. said it was a software issue to pick out those critical issues for the Internet reporting.

Jerry M. said there were four basic criteria that should be considered for any report:

1. It needs to be useful for the facility operator.
2. It needs to be informational for the patron
3. It needs to be statistically useful for health and administrative planning
4. It needs to be legally useful

Mike K. felt that we should leave the interpretation to the public and not put that burden on the inspector. Steve Boyak also brought up the issues of legibility, spelling and objectivity in any report to make it useful. Mike Boian mentioned problems with checklists. There is still a need to communicate specifics of that inspection. Lisa F. agreed that the Los Angeles-Orange County form has check boxes but pointed out they also have provisions for specific observations and directives to be written in the report. The check boxes are there for the statistics. Bill Ford discussed the Orange County form and their check boxes. They added the section of the code to the check box. Jerry M. asked what the shaded "R" and "S" were on the Orange County form. Bill answered the "R" was for reinspect and the "S" was for suspend.

At this point the discussion appeared to be concluding. Bruce asked for participants to give their evaluation of the meeting. Jeff L. felt the access was good. The meeting method was less expensive in terms of time and travel. Jeff felt there was a need to identify action items, to establish a structure with specific goals. Debbie concurred. She also suggested some way to indicate good or bad for the formats. Art reminded all of us that we were working on a format not a form. We should create criteria for the content, which could be applied to any form. These criteria could then be used to evaluate the current forms. Laura Barnhouse suggested the state take an advisory role and suggest how jurisdictions can improve their forms to meet the requirements of SB180. Elizabeth H. suggested the task should be to identify the sections of CURFFL which fall in the mandated categories. Then focus on defining the major and minor for each category. Elizabeth also requested a State opinion on whether the Summary meets the intent of the law.

Discussion then turned to the next meeting. Allen S. suggested we do another telephone conference. There was general agreement by the participants. Bruce will make the arrangements.

Additional topics were also discussed. Angeline B. asked about where notification signs were to be posted. There was general agreement that they needed to be visible to the patron. Carol F. asked about signs from the jurisdictions, especially with regard to schools and institutions. The signs are usually posted in the sally port on the prisons. In Sacramento the location for posting for school cafeterias is left up to the schools. Liza F. requested the major/minor discussion be part of the next agenda. Debbie indicated posting location on the cash register or at the front door. Liz Quaranta stated San Diego has added notification language to their grading signs. They will have similar language for their mobile food facilities (carts) which are not graded. Laura B. asked DHS to do more public education on the availability of the inspection report.

The discussion turned to AB1100. Jeff L. discussed the economic incentive included in the bill to provide counties with funding for the postings. It is still open for amendments during the legislative session. Mike P. said he spoke with Cory Jaspersen in the office of Assembly Member Simitian, the author of the bill. The indication was that it would probably not move through the legislature this year. Jeff L. said that because of the

appropriation in the bill it requires a 2/3 vote. Mike P also discussed funding sources for training.

The meeting was ended at 10:40 AM.

<u>ACTION ITEMS</u>	<u>PERSON(S) RESPONSIBLE</u>
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Set up chat list on Yahoo!	Bruce M.
Addition of participants	everyone can make suggestions to Bruce M.
Make available the Bay Area alliance form	Bruce will distribute and post the form
Create criteria for the format	Joint responsibility – all participants
Define major and minor	Joint responsibility – all participants
State opinion on whether the Summary meets the intent of the law.	DHS
Arrange next call	Bruce M.

Minutes Conference Call July 25, 2001 9:00 – 11:00

- I. Introductions
- II. Agenda
 - No changes made.
- III. Discussion of Criteria
 - **Standardized Criteria Form** e-mailed by Bruce on July 24th afternoon. Document can be found at Yahoo site. Bruce Morden reviewed the “Standardized Criteria” that he developed by looking at CURFFL and the reporting criteria as required by the Sher Bill. The following comments were made by the group:
 - Move reference to live animals on page 3 into “Other”.
 - Hygiene is misspelled.
 - Major violations will be posted on web site.
 - Several major items have more than one category.
 - “Other” category – too broad? Catchall. How are the major and minor violations determined?
 - Plumbing may also affect CDC risk factors. Most jurisdictions would close a facility if they were discharging sewage.
- IV. Major/Minor Changes

- Major: defined as those violations that pose an imminent public health danger and require immediate correction and/or closure of facility.
- Discussion on what “immediate” means. Does it include a reasonable time to correct?
- The following items were discussed in relationship to closure violations:
 - *No hot water (120 degrees F) in the facility.* (Need to develop parameters upon which to classify as a major or minor violation). Discussion on varying degrees allowed. Definite element of judgement involved. Varies depending on the type of food facility, e.g. only prepackaged food served; water temperature needed for utensil washing.
Definition of hot water – California CURFFL versus Food Code, 110 degrees versus 120 degrees.
Hand washing – CURFFL requires ‘warm water.’
 - Lack of potable water
 - No operable toilets
 - Vermin – Judgment is key. Discussion on this being included in the “other” category for reporting.
 - Sewage
 - Gross Contamination of Food Preparation Surfaces – Discussion on the use of pesticides in a food facility that would result in contamination and the action that would be taken.
 - Sick employees preparing meals.
 - Food Temperatures – When would you mark holding temperatures as a violation whether major or minor. Discussion on the criteria used by Orange County and Los Angeles County. (Need to develop parameters upon which to classify as a major or minor violation; look at the “power outage food safety notice” to define parameters). Keith Winkler discussed Arizona’s holding temperature requirement of 130 degrees F. Bruce discussed that he is working with Dr. Harris in developing parameters.

Lisa Whitlock discussed the Food Code and the parameters set forth with respect to the 2 and 4 hour time period and the use of time. A suggestion on requiring a time/temperature log was made, however after discussion, the group decided that this would be difficult to require.

Definition of potentially hazardous food is in being looked at by the Conference of Food Protection. Lisa also said FDA has contracted IFT to evaluate the definition of PHF and will work with the CFP during the process of updating the Food Code.

Industry (present on the teleconference) supports the criteria used by Los Angeles and Orange Counties in determining major and minor violations, i.e.,

temperatures, 60 degrees – 120 degrees. They have both utilized a science-based approach in defining the criteria.

V. Other Items

- A. Inspection Form – currently one hasn't been developed. Discussion that the Sher Bill does not require the use of a uniform inspection form but rather requires the department to establish uniform reporting format.
 - a. From the discussion, numerous county agencies wanted to have a template from which to develop an inspection form. It was agreed that Bruce Morden would develop two templates, a long and short form.
 - b. Industry (present on the teleconference) supports the forms used by Los Angeles and Orange Counties as templates for the State.

The group discussed the marking of categories relative to the Los Angeles and Orange County forms. Orange County has developed a guide for their staff and Los Angeles has a guide available on the web site. Includes justification of why a specific item is checked. Other forms are also available,

VI. Internet posting and AB 1100

- a. Need to determine how major and minor violations will be reported on the Internet since there are numerous forms. Once we have agreed on the parameters for marking of major violations then the criteria for how it is reported can be developed.
- b. AB 1100 – Bill would provide one time “monies” for jurisdictions that would be developing posting results on the Internet. Bill last amended on June 26, 2001.

VII. Timeline on Sher Bill

- a. Project is running late. Hope to complete by the end of the year.
- b. Bruce Morden will prepare a small presentation on current Internet posting examples for the upcoming September 13, 2001 meeting.

VIII. Public Notification Sign

- a. Carls Jr has developed and is using their own sign. In addition, KFC and Taco Bell have also developed their own sign.
- b. Most counties have begun and/or will begin notification within the next month.

IX. Next Meeting

Date: September 13, 2001
Location: DHS, 601 North 7th Street, Continental Plaza, Main Auditorium, Sacramento
Time: 9:00 a.m. – 4:00 p.m.

Agenda: Develop parameters for identifying a major violation with respect to those items required in CURFFL.

Minutes face-to-face, Sacramento, October 30, 2001 9:30 AM – 3:30 PM

We started a little late since it was a new location, it was raining and there was some known traffic problems. About 9:45 we did introductions for all those present. Several attendees came in afterwards. We quickly reviewed the agenda. There were no changes to the agenda so we began discussion of the draft format.

Establishment name was changed to Facility name. The first person-in-charge is changed to permittee/owner.

There was some discussion regarding the type of facility. There was a suggestion that we utilize the CURFFL descriptions for the type of facility. Another suggestion was to just have a blank space and fill it in with a facility type. There is a need to have a glossary which everyone utilizes to maintain standardization.

This led to a discussion of what to report and the procedure for reporting. There is no guidance in the law as to who the standard information is to be reported to. The intent of the law was for public information but the requirement for reporting to the State Department of Health Services was dropped from the bill and is not in the law. The reportable information for posting to the Internet was discussed. Bruce demonstrated several sites from Ventura, Los Angeles, San Mateo, Santa Clara, Seattle/King Co., New York City, Maricopa County (Phoenix, AZ). Darryl Booth discussed some of the technical matters with converting inspection information to an Internet site. Decade is responsible for the Santa Clara, San Mateo and Seattle sites. Orange County also talked about their system that is not posted yet but is using Decade.

We began discussing major and minor violations. There was heated debate over holding temperatures and what constituted a major violation. There was eventually some consensus that major violations were clearly an imminent risk to public health. There were also examples of immediate corrections that were not imminent risks to public health. The discussion came back to holding temperatures. This discussion was interrupted by lunch but continued into the afternoon.

When we came back from lunch we reviewed the agenda and set the time for the next meeting for December 4. The location was regionally favored - north by northerners, south by southerners. Bruce agreed to set up a teleconference which was acceptable to all. There was brief discussion about the national efforts - Bruce is active with the forms committee of the Conference for Food Protection and has been sharing the forms being examined there. Bruce also announced that DHS was planning training events around the state starting in March and continuing into June for AB708, Sherman Law and SB180.

Discussion returned to major/minor. A suggestion was made to form sub-committees to look at each of the five criteria in the law. Allen Stroh, Raju Mathew and Leslie Gentry volunteered to look at holding temperatures. The group then started looking at the other criteria. Unsafe Food was decided either it was in compliance or it was a major. The same for poor personal hygiene of food handlers. If the food handler is sick it is a major. Lack of hand washing is a major. Contaminated food equipment - food contact surfaces

is major. Non food contact may be minor. Cooking temperatures are all major. We came back and discussed holding temperatures. We talked about ranges. Los Angeles and Orange have different ranges on their forms even though Orange copied the LA form. There was a suggestion that we just go with the code temperatures - 140° F and 41° F. Bruce took a poll as to when jurisdictions would VC&D food out of temperature. There was a wide range. Finally, several ranges were proposed but it was recognized that even these ranges were open to variation depending on time and type of foods. The final guideline range was either 50° F to 120° F or 50° F to 130° F. [Please share your recollection here because my notes are unclear]. There was enough agreement however that there was consensus that the committee did not need to meet separately.

The meeting adjourned about 3:30 PM.

Notes from Teleconference December 4, 2001 8:00AM to 10:00AM

Because the meeting was scheduled to begin at 8 AM we allowed for some additional time for others to join the call and had some informal discussions. At about 8:05 we did a roll call. The attendees are listed above and include those who had to leave early and those who came late.

We reviewed the agenda that was distributed before the meeting. Most of the meeting participants had not received the agenda. Bruce had sent it out the day before and forwarded a copy at 8:09 [Unfortunately, the DHS server was having problems and the agenda did not arrive to some of the recipients until after 3:00 PM on December 4.] Because not everyone had an agenda, Bruce read through each item. There were no additions.

We then proceeded to discuss the draft format. Joan Catalano raised the issue of the purpose of the inspection and specifically illness investigations. The concern was that posting the purpose as "illness investigation" suggests that the facility was the cause of an illness when in most cases this has not been substantiated. There were several suggestions of other language in place of "illness investigation". Many of the jurisdictions conduct a routine investigation as part of such a follow-up and the inspection could be listed as routine. Keith Winkler reminded us that while the inspection reports are public documents and are open to the public there are exceptions in the California Public Records Act for ongoing or active investigations. Comments were also made that the purpose of the inspection is not required under CURFFL for the posting. Some jurisdictions use codes for the purpose of the inspection. A suggestion was made that if illness investigations were not to be posted on the Internet than the jurisdiction could filter out those records. Another suggestion was that we could include illness investigations under a general heading of complaint.

There was some discussion about the identification of the violations and the specifics of the violation. The law clearly talks about identifying violations in the 5 areas. Specifics are important for both regulators and industry.

There was additional discussion about the reporting of major and minor violations. There needs to be uniformity as to what is major and what is minor. Bruce indicated that the State would be doing some training and that there would also be interpretive documents that would help. The group appeared to be in agreement that for now the major and minor determinations would be limited to the five inspection criteria mentioned in section 113946 – i.e. improper holding temperatures, inadequate cooking, poor personal hygiene of food handlers, contaminated equipment and food from unsafe sources.

On improper holding temperatures the major would be food held between 50°F and 130°F with some individual judgement calls with regard to specific time/temperature relationships. For inadequate cooking, major violations would be food that was not cooked to the temperatures specified in CURFFL. Roast Beef was discussed. There may have to be a special interpretation for the cooking and holding of rare roast beef. For poor personal hygiene of food handlers, major would be working while sick with Salmonella Typhi, Shigella, E. coli 0157H7 or Hepatitis A virus. It would also include not washing hands, expectorating around food, open cuts, sores or rashes. For contaminated equipment, no sanitizer would be major as well as improper dish machine temperatures, and cross contamination between raw and ready to eat food. Any food from unsafe sources would be a major violation.

Additional majors and minors may have to be developed.

The discussion of the standardized procedures for reporting went two directions. First, Bruce explained that there was no indication in the law where the information was to be reported just that it was to be reported using the standardized procedure. Since we have basically agreed as to the standardized format, an inspection form following those elements would satisfy the reporting requirements. This would be an acceptable low-tech solution. The law does require a standardized electronic format and protocol for reporting the data. This would also facilitate the Internet posting. The posting requirement does not become effective until July 1, 2002 and only applies to jurisdictions that report food facility inspection information. If a jurisdiction's web site does not include closure or inspection information then there is no requirement to post. If a jurisdiction does post then they must follow the standardized procedure. This led to a discussion of trying to coordinate different databases within jurisdictions. It was suggested some of the information may be collected for other programs in environmental health and if those same elements could be uniform that would assist the information technologists. Darryl Booth volunteered to draft a possible data dictionary that should make this easy.

The standardized inspection format is supposed to take effect January 2, 2002. There will undoubtedly be jurisdictions that need to modify their forms to include the required

information. DHS is required to publish the format and the procedures within 60 days of establishment. There is no indication of what will happen if a jurisdiction does not utilize the standard format but the intent of the law is to make all jurisdictions uniform so that public and industry do not have to deal with 62 different formats. Bruce again mentioned that the state would be doing training to facilitate the implementation of the code.

The final draft should be agreed upon before the end of the year. The group agreed to one more teleconference. After some discussion, the afternoon of December 20th was agreed upon. Bruce will make the arrangements and send out notices.

Notes from Teleconference December 20, 2001 2:00PM to 4:00PM

Introductions were made as people joined the call and before we started the actual discussions.

Lisa Wright agreed to take notes.

Review of Format

Why do we want inspection time in and out? From manager's view, need to deal with calculation of resource use; good to record time of inspection so that you can vary inspection time. Industry also wants to know how much time is spent in facility. Does this include mileage time? Orange County calculates that time. San Mateo County, too and also includes paperwork time.

Recommendation made that we not use Inspection Time Out. Industry expressed desire to have this useful information. Time may vary per agency based upon what is used to determine that. Suggestion that it be clock time in and out for inspection only. Mixed reception from local departments. This is only the actual time spent in the facility. And needs to be understood that this does not include travel or office time. General agreement that Inspection Time Out should stay.

Are the * items that are not mentioned in CURFFL required? Bill says that department "shall establish" the format and once we determine that, counties "shall utilize" – there will be no choice on use of what items we decide all will be required. A local agency can add to the format provided that they are part of CURFFL and they are identified by reference to CURFFL.

Illness Investigation issue. As part of format, one of the items is purpose of inspection. Purpose, "illness investigation", caused some consternation on the part of some industry persons. Compromise was to call it a "complaint" specifically with regard to Internet postings.

Could we use codes on Internet that are explained on the site? For an epidemiological investigation, must it just be a complaint or can the code indicate that it was an epi investigation? Expectation is that this would be okay.

City, state and zip? Is it necessary to have state? We will delete State. This line will be for physical address of the facility itself not the mailing address, if different.

Do we need type of facility? Industry says not needed for us. It will stay and may be a code for use of regulatory agency.

Should we record name of certified manager and date of certification? We will put a box labeled Certified Food Manager and jurisdiction can use it as they wish. This may include the name of the certified employee and the recertification date. Must put NA in the box if there is no requirement for the type of facility being inspected.

Why are we not citing lack of a certified manager as a standard violation? Still a new enough law to warrant special emphasis. Not a misdemeanor. Agreed that it should be handled by noting information in a box.

Should we put a box on the form that says a copy of the inspection must be at the facility? Mixed responses. It should be up to the jurisdiction to add if so desired. Some counties have this comment on their grade card. This language will not be required.

What does "Reinspection or other action" mean? This is required by SB 180. This is date when next inspection is likely – "on or after" – date. Several views expressed. Industry felt strongly that this date defines period for corrective action to become compliant. Regulatory does not want to lose element of surprise. On Internet, "reinspection or other action" refers to date when the reinspection actually took place. If no reinspection was needed, it would be blank. This would be clearly explained in the manual. The name will also be changed to Reinspection Date.

Could we have some clarification on box marked Score/Status? That will be up to the local jurisdiction to decide how they wish to use it, if at all. Box will be removed.

Question on availability of inspections. In restaurant, it only needs to be last routine inspection. On Internet it can be more if jurisdiction chooses to have it.

What if there is no way for Person in Charge to sign the inspection? Computer-generated. Name will be entered, but no signature. This signature item will be removed. Signature of inspector will come off, too. Names of inspector and PIC will remain. Title of PIC will remain.

Can we have a telephone number of inspector on the form? Yes.

Major and Minor Violations

- 50-130F holding temperatures – major violation; under 50 and over 130 will be minor violations
- For inadequate cooking, major violations would be food that was not cooked to the temperatures specified in CURFFL.

- roast beef criteria will be described in the manual
- employee sick with any of the 4 illnesses (SE, Shiga, e coli, he A), expectorating around food, not washing hands – all majors
- For contaminated equipment, no sanitizer would be major as well as improper dish machine temperatures
- Cross contamination between raw and ready to eat food.
- Any food from unsafe sources would be a major violation.

Where do we fit in vermin and sewage? no water/no hot water? These are in addition to the 5 categories but were agreed to by the group as they were common causes for closure and most are mentioned in the CURFFL section on immediate closure [113960]

Data Dictionary (Decade Software)

Daryl Booth had sent out a copy of the Data Dictionary prior to the meeting. This was discussed in some detail.

- "Parsed" addresses – recommend breaking up addresses into different fields. This allows for changes in street names without reentering all the fields.
- We have to agree in advance on the format of the database. Propose we use XML because it provides flexibility and allows for local jurisdictions variability in data collection, still allowing communication between files as needed. There are almost 100 choices. Bruce proposed we accept XML.
- Inspection ID and Program ID – recommend using 20 digits. Some counties may need to determine if that's appropriate.
- Period of closure -

Where do we go from here?

- Bruce will put together manual.
- SB 180 requires it be published within 60 days, so final draft will come to us shortly after January 1 for final review.
- Concern expressed that compliance must begin January 1 – we'll push for it but no county will be penalized for not following format.
- State would like to see forms, comment back, and keep a file of forms for each county.

Data Dictionary

See attachment